



UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

JUN 10 2002

KAREN L ELBING
CLARK & ELBING
176 FEDERAL STREET
BOSTON MA 02110

#20

In re Application of :
Marion Elke Hoffmann et al :
Serial No.: 09/445,362 : PETITION DECISION
Filed: May 15, 2000 :
Attorney Docket No.: 50125/008001 :

This is a decision on the petition under 37 CFR 1.181, filed March 22, 2002, to Withdraw the Holding of Abandonment of the above identified application based on filing of a timely reply to the Office action mailed August 1, 2001.

A review of the file history shows that the Office mailed an Office action to applicants on August 1, 2001, setting a one month shortened statutory period for reply. Applicants replied on October 16, 2001, with a sequence listing and disk, an amendment and two month extension of time and fee therefor. Due to mail delays and irradiation, the reply was not received in the Office until January 9, 2002, and the disk, due to irradiation, was unreadable. The examiner mailed applicants a Notice of the defective disk on March 5, 2002, followed by a Notice of Abandonment on March 25, 2002. The Notice of defective disk should have set a new reply period, but did not resulting in the mailing of a Notice of Abandonment. In view thereof the Notice of Abandonment was mailed in error and is hereby withdrawn and the application is restored to pending status with the mailing of this decision.

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

The disk submitted March 28, 2002, has been entered. The application will be forwarded to the examiner for further consideration.

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, Washington, D.C. 20231, or by telephone at (703)308-3824 or by facsimile transmission at (703) 308-7922.


Bruce M. Kisliuk

Director, Technology Center 1600